UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,517	08/17/2001	Edgar Michael Fitzsimons	4301-4000	6328

7590 05/07/2004	EXAMINER
MORGAN & FINNEGAN, L.L.P.	LUU, SY D
345 Park Avenue	

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10/21/02 and prior*.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-39* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 August 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date *8, 10*.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Specification

1.   The disclosure is objected to because of the following informalities: reference was made

to a figure that does not exist, specifically to "FIG. 18" on page 10, line 18.

Appropriate correction is required.

Claim Objections

2.   Claims 1-2, 4, 11, 17-18 and 23 are objected to because of the following informalities:

a) claim 1: on line 9, "the plurality of images" should be changed to ---the plurality of

source images---

b) claim 2: on line 1, "claim I" should be changed to --claim 1--;

c) claim 4: on line 1 "inflame 3" should be changed to --claim 3 --;

d) claims 11, 17, 18 and 23: on lines 3, 2, 3, and 2, references to "30", "a5", "a10" and

"a5" respectively should be corrected.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a)   A patent may not be obtained though the invention is not identically disclosed or described as set forth in section
> 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that
> the subject matter as a whole would have been obvious at the time the invention was made to a person having
> ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner
> in which the invention was made.

4.   Claims 1-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arora et al.

("Arora", US 2002/0023111A1) in view of Fisher (US 6,331,858 B2).

As per claims 1 and 3, Arora teaches a method of constructing a composite image within

an image space of a webpage, such method comprising: dividing the image space of the

composite image into a plurality of subspaces, designating a subspace of the plurality of

subspaces for receipt of a selected image of the plurality of images (abstract; pages 3 and 5,

paragraphs 76-78 and 94; *selecting and dragging/dropping display elements such as images to*

their designated subspaces to define a webpage layout); and resizing the selected image to fit the

designated subspace of the composite image, and displaying the resized image in the designated

subspace (page 5, paragraph 103; and page 6, paragraph 109; *sizing function*).

While Arora teaches the steps of selecting and dragging/dropping display elements to

their designated subspaces, Arora does not expressly disclose the step of displaying a plurality of

source images (*display elements*) within a content area of the webpage for

selecting/dragging/dropping a desired image.   Fisher teaches a web browsing user interface for

selecting a desired texture image within a content area of a webpage to be applied to a designated

subspace on the webpage (abstract; fig. 3; col. 3, lines 37-40; col. 4, lines 17-45).   It would have

been obvious to an artisan at the time of the invention to combine Fisher's teaching of displaying

a plurality of image choices in a content area of the webpage with Arora's method in order to

facilitate user's viewing and selecting desired images.

As per claim 2, Arora teaches the step of using a mark-up language to encode the

composite image (page 1, paragraph 10).

As per claim 4, Arora teaches the step of displaying a plurality of text images within the content area (page 5, paragraph 94).

As per claim 5, Arora teaches the step of designating a subspace of the plurality of subspaces for receipt of a selected text image of the plurality of text images (page 3, paragraph 78; and page 5, paragraphs 94 and 96).

As per claim 6, Arora teaches the step of resizing the selected text image of the plurality of text images to fit the designated space (page 5, paragraph 103; *sizing function*).

As per claim 7, Arora teaches the step of displaying the resized text image in the designated subspace (page 5, paragraphs 95 and 99; *previewing*)

As per claims 8-9, Arora's method discloses a Text Tool for creating a text display element (page 5, paragraph 107), but Arora does not explicitly teach the steps of editing text within a text image of the plurality of text images, and editing a content of the text image within the designated space. Official Notice is taken that the step of editing text and/or content of a text image is well known in the art. It would have been obvious to an artisan at the time of the invention to include such a feature in order to allow users to modify texts that have already been entered.

As per claim 10, Arora teaches the step of dividing a subspace of the plurality of subspaces into a text area and an image area (fig. 5; page 5, paragraph 94).

As per claim 11, Arora teaches the step of dragging a text image of the plurality of text images to the text area of the divided subspace (fig. 5; page 5, paragraph 94).

As per claim 12, Arora teaches the step of dragging a source image of the plurality of source images to the image area of the divided subspace (fig. 5; page 5, paragraph 94).

As per claim 13, Arora teaches the step of disposing lines around a subspace of the plurality of subspaces (fig. 5; outline of a border around image 502 and text 504).

Claims 14-26 are similar in scope to claims 1-13 respectively, and are therefore rejected under similar rationale.

Claims 27-39 are similar in scope to claims 1-13 respectively, and are therefore rejected under similar rationale.
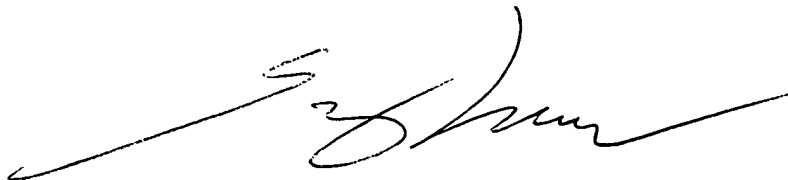
Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sy Luu whose telephone number is **(703) 305-0409**. The examiner can normally be reached on Monday - Thursday from 7:00 am to 4:30 pm (EST). The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

SY D. LUU
PRIMARY EXAMINER